

Entered - 06-12-01 - sb
CL 01L0383 - ALEXIS HOLMES

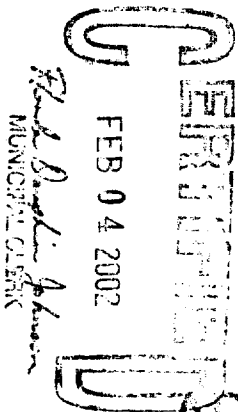
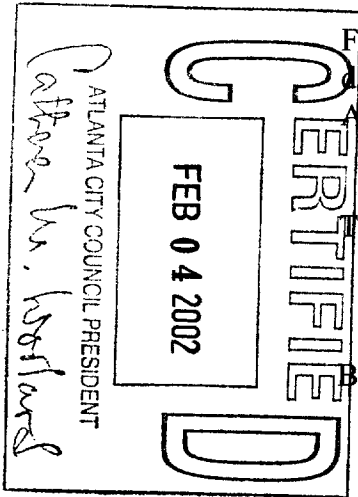
CLAIM OF: **CHARLES W. CROSS**
6185 Hern Road
Ellenwood, Georgia 30294

02-R -0130

For damages alleged to have been sustained as a result of vehicular damage due to a pothole in the roadway on May 4, 2001 on the Atlanta University Center Campus at Westview Drive.

THIS ADVERSE REPORT IS APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY



ADVERSED BY
CITY COUNCIL FEB 04 2002

ADVERSE REPORT

COMM: Public Safety

DATE: JAN 29 2002

CHAIR: *Clara Henderson*

C. T. Miller

Carla Spitz

John Smith

Matthew Deane

Matthew Deane

Matthew Deane



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

February 11, 2002

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Charles W. Cross
6185 Hern Road
Ellenwood, GA 30294

02-R-0130

Dear Mr. Cross:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on February 4, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0383

Date: 01/07/02

Claimant /Victim CHARLES W. CROSS

BY: (Atty) _____

Address: 6185 Hearn Road Ellenwood, Georgia 30294

Subrogation: _____ Claim for Property damage \$ 822.21 Bodily Injury \$ _____

Date of Notice: 6/6/01 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 5/04/01 Place: Atlanta University Center Campus at Westview Drive

Department _____ Division: _____

Employee involved _____ Disciplinary Action _____

NATURE OF CLAIM: The claimant alleges that he sustained vehicular damages when he drove over a large pothole in the roadway. An investigation determined that the road where the incident occurred is the direct responsibility of the Atlanta University Center, and is not the responsibility of the City of Atlanta. The claim has been referred to the Atlanta University Center, and the claimant has been advised to pursue his claim with them.

INVESTIGATION:

Statements: City employee _____ Claimant X Other X Written X Oral X

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____

Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved X Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager: Thomas P. [Signature] Concur/date 01-14-02

Committee Action: _____ Council Action _____

RCS# 3449
2/04/02
4:05 PM

Atlanta City Council

Regular Session

CONSENT I

Pages 1 thru 6: Except 02-O-0004;
02-R-0005;02-O-0006;02-R-0193;02-R-0105
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y Smith	NV Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

ITEM (S) REMOVED FROM
CONSENT AGENDA
02-R-0105
02-R-0193

CORRECTED COPY

CONSENT I

02/04/02 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 02-O-0169
2. 02-R-0088
3. 02-R-0146
4. 02-R-0147
5. 02-R-0179
6. 02-R-0137
7. 02-R-0138
8. 02-R-0139
9. 02-R-0140
10. 02-R-0141
11. 02-R-0142
12. 02-R-0143
13. 02-R-0144
14. 02-R-0145

**ITEMS ADVERSED ON
CONSENT AGENDA**

15. 02-R-0117
 16. 02-R-0118
 17. 02-R-0119
 18. 02-R-0120
 19. 02-R-0121
 20. 02-R-0122
 21. 02-R-0123
 22. 02-R-0124
 23. 02-R-0125
 24. 02-R-0126
 25. 02-R-0127
 26. 02-R-0128
 27. 02-R-0129
 28. 02-R-0130
 29. 02-R-0131
 30. 02-R-0132
 31. 02-R-0133
 32. 02-R-0134
 33. 02-R-0135
 34. 02-R-0136
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